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Statement Of The Substance Of The Interview

On October 18, 2006, Thomas E. Lees, on behalf of the applicants, conducted a telephone interview with Examiner Wu. Thanks to the Examiner once again, for his time and consideration during the telephone interview. No demonstrations were utilized. Additionally, no exhibits or proposed amendments were transmitted to the Examiner. The present invention and the primary reference cited in the Office action, U.S. Patent No. 6,957,390 to Tamir, were discussed in general terms. Further, claim 1 was discussed in general terms. Specifically, the server-side databases and logs as taught in Tamir were discussed, and applicants' compared and contrasted that disclosure in Tamir with application and context meta data described and claimed in the present application. The statistics described in Tamir were also contrasted with the statistical information as recited in claim 1. The thrust of the applicants' arguments are as substantially set out in the Arguments/Remarks section of this paper. No agreements were reached between the parties.

Arguments/Remarks

The applicants request entry of the present amendments to the claims as placing the application in condition for allowance or reducing the issues for consideration on appeal. Claims 1-55 are pending in the present application. Claims 1, 9, 22, 33 and 44 have been amended. Support for the amendments herein can be found, for example, in the applicants' published patent application 2003/0135765, paragraphs 0013, 0016, 0036, 0039 and 0042. Further, new dependent claims 56-64 have been added. Support for the new claims can be found, for example, in the applicants' published patent application 2003/0135765, paragraphs 0031, 0032, 0033 and 0037. After the amendments herein, claims 1, 22 and 44 are in independent form.

35 U.S.C. §103

Claims 1-4, 6-7, 9-18, 22-25, 27-28, 30-40, 44-49, 51 and 53-55 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,957,390 to Tamir in view of U.S. Patent No. 6,651,217 to Kennedy.

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According to the M.P.E.P. §706.02(j), to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. It is the applicants' position that the art does not support the rejections to the claims as amended herein, thus a *prima facie* case of obviousness has not been established. Accordingly, the applicants respectfully request that the rejections are withdrawn.

Application and Content Data

With specific reference to claim 1 as amended herein, the applicants assert that a *prima facie* case of obviousness has not been established because the cited references, even when combined, fail to teach or suggest at least:

... collecting meta data resulting from use of the computing device, the meta data comprising application data that is used in or by applications associated with the computing device and context data for identifying the context in which the application data are used and

... retrieving, from the storage, application data that would be most appropriate for a current context of using a select application by anticipating a likely behavior of the user during the current use based on the context data and the statistical information, where the statistical information is associated with the user's past behavior in using the meta data.

Claims 22 and 44 as amended herein, each recite similar elements, and as such, the arguments presented herein with respect to claim 1 also apply by analogy to claims 22 and 44.

Tamir teaches a *client-server* system where a client that is installed on the user's computer communicates with a third-party server to exchange information. After the client logs into the server and establishes a valid client-server connection, the user opens web display applications for different web sites. These applications utilize a message broker to exchange instructions with "communication servers" on a server-side of the system. As the user visits different web sites, the user's activity is recorded in the server-side database and log files, and

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information is returned to the client based upon the user's prior history data that is recorded in the databases and log files¹.

In implementing the client-server system, Tamir discloses numerous database files that collectively store the information received from or otherwise derived from interaction with the client. The database files can be generally organized into user specific records, client-application records, tracking (session) records and activity records². However, Tamir does not teach or suggest as claimed and amended herein, collecting meta data resulting from use of the computing device, the meta data comprising application data that is used in or by applications associated with the computing device and context data for identifying the context in which the application data are used.

The databases utilized in the invention of Tamir are described in detail in Figs. 5-14 and the corresponding text in the specification. However, the information described with reference to Figs. 5-8, and 12-13 relate to information generated by the server or client side web browser to describe "system-level" attributes of a user's session with the disclosed servers and thus do not comprise application data and context data as claimed. For example, these databases log user ID, date, country code, IP address, session time/duration, message intervals, durations, etc. Thus, these tables neither teach nor suggest collecting meta data resulting from use of the computing device, the meta data comprising application data that is used in or by applications associated with the computing device and context data for identifying the context in which the application data are used.

Figs. 9-11 and 14, along with the corresponding text in the specification may arguably teach information that can be characterized as contextual, i.e., by storing a "user behavior type" or "page type", etc. However, there is no teaching or suggestion of application data (collected from use of the computing device) that is used in or by applications associated with the

¹ See for example, Col. 4, lines 31-38.

² See for example, Tamir Col. 2, lines 40-53; Col 6, line 48 -- Col. 7, line 60.

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computing device and context data for identifying the context in which the application data are used.

With regard to Figs. 9-11 of Tamir, the server gathers contextual information, e.g., the URL and determined behavior information, as well as system level information, e.g., the user identification. The server system records the user's activity preferences by storing information in User Behavior Information records, which are described with reference to Fig. 10 as well as in User URL Information Records, which are described with reference to Fig. 11. Using this collected contextual and system level information, the server retrieves data from an Application Customization Record, which is described with reference to Fig. 9, that is sent back to the client³. Thus, the *server returns to the client* the corresponding tag ("specific parameter") based upon retrieved context information⁴. However, the server does not collect the tag and value information, or any other application data resulting from use of the computing device and context data for identifying the context in which the application data are used.

Similarly, FIG. 14 illustrates a Message Queue Record that may include data that is arguably contextual, e.g., URL and behavior type. Again, however, the server does not collect application data application data resulting from use of the computing device and context data for identifying the context in which the application data are used. Rather, data that is stored on the server is returned to the client to provide the user with information, e.g., promotions and unsolicited messages from web site owners.

Kennedy teaches automatically filling in fields based upon the proximity of the field to a corresponding label on the rendered web page. That is, there is no way to know what value is expected in a given field based upon the rendered web page. However, in general, there are labels in proximity to the fields, which identify to the user, the type of information expected in the provided fields. The system taught in Kennedy reads all of the labels that are in proximity to a given field, and tries to guess what type of data is expected. If a guess can be made, then the

³ See for example, Tamir starting at Col. 10 line 50.

⁴ See for example, Tamir Col. 10, starting at line 59.

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system tries to automatically populate those fields based upon previously characterized information. The system further utilizes heuristics to accommodate differences in labels, such as language differences, that are associated to the same corresponding data value. Again, however, the disclosed data does not teach or suggest application data that is generated by a user and which is usable in an application and context data for identifying context in which the application data are used.

Thus, Kennedy fails to teach or suggest as claimed and amended herein, collecting meta data resulting from use of the computing device, the meta data comprising application data that is used in or by applications associated with the computing device and context data for identifying the context in which the application data are used.

Statistical Information

Tamir combined with Kennedy also fails to teach or suggest, as claimed and amended herein, determining statistical information associated with the user's past behavior in using the meta data, the statistical information indicating relationships between the meta data and retrieving, from a storage, application data that would be most appropriate for a current context of using a select application by anticipating a likely behavior of the user during the current use based on the context data and the statistical information.

The statistics taught in Tamir comprise administrative statistics generated by a reporting server to report system status, user traffic, and other administrative statistics, and also to generate usage reports⁵. The statistics are gathered based upon session data (which arguably does not comprise either application or context data)⁶. The statistics taught in Tamir relate to "system level" types of information, e.g., average user session duration, average client session duration, user session peak time of use, client session peak time of use, aggregate number of client-server sessions for a particular user and client application, the session frequency for the user and client application, etc.

⁵ See for example, Tamir Col. 5, lines 15-18.

⁶ See for example, Tamir Col. 8, line 42 – Col. 9, line 31.

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The server system uses the User URL Information Records to generate user behavior statistics and customize user client applications ... These user specific behavior statistics include the total and average number of times the user visited a URL, the total and average duration the user spent at a URL, the peak times when the user visited the URL, and the types of pages the user visited⁷.

Still further, the server in Tamir cannot and does not anticipate the likely behavior of the user during a current use based on the context data and the statistical information. Tamir's server operates under the assumption that one user at one computer visiting one website always associates to the same collection of metadata that were relevant during the user's last website visit. For example, as noted in the specification of Tamir:

Once the client-server session is established, the client application then requests custom configuration information from the server system, which returns custom client parameters based on factors including the user's *preferences and prior use history* (step 284).

... The client application further requests additional custom configuration information, which the server system provides, thereby updating and reconfiguring the client application *based on the user's most recent activity* (step 294).⁸ (emphasis added)

Additionally, Kennedy only discloses the use of heuristics to identify differences in labels that are identified as being proximate to form fields on a web page. This neither teaches or suggests, for example, anticipating a likely behavior of a user during the current use based on context data and statistical information.

Storage of the User's Computing Device

Still further, Tamir combined with Kennedy fails to teach or suggest storing the meta data and the statistical information in a storage of the computing device. Kennedy is merely tangential at best, to that claimed herein and deals with "guessing" at field definitions based upon the detected proximity of text labels. As the Examiner repeatedly acknowledges in the Office

⁷ See Tamir, Col. 12, lines 8-17.

⁸ See for example, Tamir Col. 6, starting at line 10.

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action, Tamir teaches a *client-server* system where the recorded information is maintained in a central database on a remote server⁹. Thus, when a user of the client-server system of Tamir installs the disclosed web display-tracking application, the user is in fact relinquishing control of privacy and personal information to a 3rd party and thereby implicitly (or explicitly) placing trust in that 3rd party. Tamir is basically collecting data based upon users' web surfing, to provide that information to web site owners and other third parties. That is, Tamir serves the needs of a website operator, advertiser, or content provider¹⁰. As such, there is no teaching, suggestion or motivation for Tamir to store the various information databases and logs on the processing device of the user. This would further defeat the ability of the invention in Tamir to channel unsolicited, third party messages to the user via its message queue¹¹.

For at least all of the above reasons, the applicants assert that claims 1, 22 and 44, and the claims that depend therefrom, are patentable over Tamir in view of Kennedy. Accordingly, the applicants respectfully request that the rejections be withdrawn.

With specific reference to claim 12 and 34, Tamir combined with Kennedy fails to teach or suggest retrieving application data that would be most appropriate for a current context of using the application based on the context data and the statistical information using heuristics algorithms. Kennedy uses heuristics to guess at a field based upon proximity of labels. Kennedy does not consider application or contextual information at all. Tamir does not teach or suggest the use of heuristics algorithms to select appropriate application data. The statistics taught in Tamir relate to "system-level" reports based upon data recorded in its databases. Accordingly, the applicants respectfully request that the Examiner withdraw the rejections to the above claims.

Claims 5, 8, 19-21, 26, 29, 41-43, 50 and 52 were rejected as being unpatentable under 35 U.S.C. §103(a) as being unpatentable over Tamir in view of Kennedy and further in view of U.S. Pat. No. 6,651,217 (Olden). These claims depend from base claims that the applicants believe

⁹ See for example, Tamir Col. 2, lines 7-8; Col. 2, lines 33-39; See also Col. 3, lines 12-20.

¹⁰ See for example, Tamir Col. 20, line 49 through Col. 21, line 7.

¹¹ See for example, Tamir Col. 20, line 49 through Col. 21, line 29.

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are patentable over the art of record. Moreover, with specific reference to claims 8, 29 and 50, the Examiner has not established a *prima facie* case of obviousness because the Examiner has not provided any teaching, suggestion or motivation to combine Tamir, Kennedy and Olsen. For example, it appears that the client-server system of Tamir, which discloses sharing user information directly to web site operators and returning unsolicited information to the user, would be defeated in its functionality by the security system taught in Olsen.

New Claims

Each of the new claims are dependent upon base claims that the applicants believe are patentable over the cited art. Moreover, claims 56, 59 and 62, recite verifying that each source is authorized to collect or provide the meta data and verifying the select application is authorized to receive meta data before retrieving and providing the appropriate application data to the select application.

For example, in Tamir, the server can provide information about the user directly to the web site owners based on the user's activity information. Different user records and log files can be used to determine features including the number of users visiting a web site, the amount of time users are at a web site, the web site's most accessed features, and the activities users execute at the web site. This information can be provided to web site owners as feedback for the owners to make changes to the web site, thereby making the web site more attractive to users. Further, a server-side message queue holds messages that are to be communicated from the server side to the user¹². Thus, the server can provide the user with ancillary information via the client software interface, e.g., promotions or other information that pertains to their browsing habits. Accordingly, in Tamir, the user receives information based not only on the direct web sites the user has visited, but additional information related to the subject matter of the web sites the user has visited¹³.

¹² See for example, Tamir Col. 13, starting at line 45.

¹³ See for example, Tamir Col. 20, line 49 through Col. 21, line 29.

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Claims 57, 60 and 63 recite collecting meta data from at least a first application and a second application and retrieving the appropriate application data for the first application based upon context information derived from the second application. In Tamir, the records are stored by user, by application. Thus, the meta data that is determined for a first application is limited to use for just that application. Each application must interact independently with the server system.

Claims 58, 61 and 64 recite anticipating a role of the user and retrieving from storage, application data that is most appropriate for that role. In Tamir, a person is always characterized as the same entity, regardless of the purpose of that person's web surfing on different occasions. Thus, a user who visits the same website on different occasions in different roles cannot have different meta data associated with each of the user's roles. Thus, Tamir assumes that the same metadata collection is always applicable to a given website visit or application use. i.e., it is impossible for Tamir's invention to keep track of metadata that applies to multiple roles across usage of multiple websites for a single user.

Conclusion

For all of the above reasons, the applicants respectfully submit that the above claims recite allowable subject matter. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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